

REMARKS

Claims 1, 5, 6, 8, 13, 16 to 18, 23, 30 to 32, 34 to 36, 41, 44, 49, 52, 53, 55, 64, 70, 74, 76, 78, and 80 are pending in the application.

In the restriction requirement, the Examiner has identified 11 inventions or groups of inventions, designated I to XI, asserting that they are not so linked as to form a single general inventive concept under PCT Rule 13.1. The Examiner has required the election of one of the 11 groups of inventions. Applicants provisionally elect Group II, claims 8, 13, 16, 17, 31, and 41, allegedly "drawn to an isolated polypeptide comprising a first amino acid sequence and pharmaceutical composition comprising said polypeptide," with traverse. Office Action at page 2 (emphasis omitted). Applicants traverse this Restriction Requirement because it is not a serious burden for the Office to search the art related to all of claims 1, 5, 6, 8, 13, 16 to 18, 23, 30 to 32, 34 to 36, 41, 44, 49, 52, 53, 55, 64, 70, 74, 76, 78, and 80 at one time. Indeed, the M.P.E.P. states that "[i]f the search and examination of the entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." (M.P.E.P. § 803, emphasis added.) Applicants respectfully submit that this policy should apply to this application in order to avoid unnecessary delay, duplicative examination, and to reduce costs to the Office.

The Examiner has also required an election of one specific nucleotide SEQ ID NO. selected from the group consisting of "SEQ ID NOs. 1-187, and 375-484 and the isolated nucleic acid molecules encoding amino acid sequences of SEQ ID N[O]s. 188-374." Action at page 6 (emphasis omitted). Applicants elect SEQ ID NO: 215.

If the Office decides to maintain the restriction requirement, once the elected product claims of Group II are found allowable over the art, Applicants note that the Office has agreed to rejoin any nonelected claims of processes of making and/or using an allowable product that depend from or otherwise require all the limitations of the allowable product claims, in accordance with the Office's policies set forth in M.P.E.P. § 821.04. (See the Office Action at Item 6.) Applicants therefore request rejoinder of such method claims once the elected product claims are found allowable.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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